

**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING**

NO.

COMPLAINT FOR DAMAGES

Charles H. Beresford CO, Washington corporation,
Defendants.

Washington, as follows:

I. NATURE OF THE CASE

Plaintiff, Oliver Dire developed a substance abuse disease which the defendant became aware of. The defendant did not allow plaintiff to utilize the company's medical insurance to seek treatment even though defendant offered treatment options to other employees who returned to work. Oliver Dire received positive employment evaluations and reviews throughout his employment with defendants.

Defendant purchased a 2016 Cadillac for Oliver Dire right before termination date August 7, 2017. No explanation giving for the abrupt termination.

Defendant presented the plaintiff with a non-competition agreement preventing plaintiff from working in the industry for 2 years. Plaintiff did not sign nor execute any agreements with the Defendant. Plaintiff eventually was incarcerated because of his substance abuse disease.

II. PARTIES, JURISDICTION, AND VENUE

1. Plaintiff, Dire is and was at all times material to this action, a resident of King County, Washington.

2. Defendants (hereinafter, Beresford) are one or more Washington

corporations doing business as a single employer, including in King County, Washington.

3. "Chas. H Beresford Co." employed Plaintiff, Dire starting October 3, 1995 as a estimator and salesperson.

4. This Court has jurisdiction over the parties and claims herein pursuant to RCW 2.08.010. Venue is proper in this Court under RCW 4.12.025.

III. FACTUAL ALLEGATIONS

5. Mr. Dire was hired at Chas. H. Beresford Co. October 3. 1995

6. Chas H. Beresford is the chief executive and operations leader of Defendant CO.

7. Plaintiff, Mr. Dire received positive employment evaluations and reviews throughout his employment with Beresford Co.

8. Plaintiff, Dire did not receive any discipline or corrective employment action during his employment with Defendants.

9. Plaintiff, Dire was a top salesperson and installer for 20 years.

1 10. No investigation by human resources was conducted into Mr. Dire's request for
2 medical assistance before his termination.

3 11. Ted Beresford, General Manager had direct or chain of command supervisory
4 authority over Plaintiff, Dire during his employment.

5 12. As a result of the workplace harassment based on Plaintiff substance Abuse disease
6 Defendant, illegal actions, and inaction, proximately caused Plaintiff, Dire has experienced
7 anger, sadness, frustration, and other forms of emotional distress.

8 13. As a result of his termination, which was motivated in part by his substance abuse
9 disease Plaintiff has experienced lost wages.

10 14. Beresford CO. actions were taken with reckless disregard or callous
11 indifference to Plaintiff Dire's civil rights.

1 15. The above referenced examples are parts of a wider pattern and practice of
2 discrimination based on race, color, national origin, and retaliation on the part of Defendant
3 Charles H. Beresford CO.

4 16. The Defendant Charles H. Beresford CO is liable for the actions of its agents, and its
5 employees and managers under the doctrine of respondeat superior.

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IV. CAUSES OF ACTION

Plaintiff realleges and incorporates the allegations above to each of the following:

1. **Hostile Work Environment in Violation of State & Federal Laws.** Defendant created and maintained an intimidating, hostile or offensive work environment, including because of race, national origin, and/or retaliation for complaining about discrimination. Charles H. Beresford CO's actions violated the Civil Rights Act of 1866, 42 U.S.C. § 1981, *et seq.*, and the Washington Law Against Discrimination, RCW 49.60. As a proximate result of Charles H. Beresford CO's discrimination, Plaintiff, Dire has been damaged in amounts to be proven at trial.

2. **Other Claims.** Plaintiff, Dire reserves the right to conduct discovery into alternative claims ADA (American Disability Act of 1990) (42 USC 1210) and additional defendants and to amend these charges, as necessary.

Washington Law Against Discrimination, RCW 49.60

V. PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for damages as appropriate to compensate for such injuries, as described above, under law as appropriate, including:

1. Lost past wages and the value of benefits;
2. Unpaid wages;
3. "Front pay" and benefits through the time of trial and for a reasonable period into the future;
4. Compensation for impaired future earning capacity, if any;
5. Punitive damages;

10 6. Prejudgment interest;

11 7. Damages for humiliation, loss of enjoyment of life, pain and suffering, personal
12 indignity, embarrassment, fear, sadness, anger, anxiety, anguish and other forms of emotional
13 distress he has experienced, in amounts to be proven at trial;

14 8. That he be awarded all other actual damages pursuant to RCW 49.60 and other
15 applicable law;

16 9. That the court award attorneys' fees and actual costs; and

17 10. For such other and further relief as this court deems just and equitable.

18 RESPECTFULLY SUBMITTED AND DATED this 30th day of July 2020.

19 OLIVER DIRE

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